

Merchantville, NJ

May 11, 2009

A regular meeting of Borough Council was held at 7:30 PM, Monday, May 11, 2009. Mayor Frank M. North presided. Pledge of Allegiance and Silent Prayer were observed. Announcement was made that the meeting had been advertised in accordance with the regulations prescribed by the "Open Public Meetings Act".

ROLL CALL:

Council Present: Alloway, Brennan, Perno, Brunton, Waldron and Fields.
Borough Clerk Brouse and Attorney Higgins were present.

PUBLIC:

Bikeway DOT Grant- No public portion
Bikeway TE Grant- No public portion
Ordinance 09-08 -No public portion
Ordinance 09-09- No public portion
Ordinance 09-10- No public portion

Richard Smith, 214 N. Centre Street, regarding Rogers to Park Avenue, doesn't have any slow down or traffic calming effort in place on Centre Street. What can we do? Can we look at a speed table? Mr. Brickley will talk to Mr. Kelly from the County.

ENGINEER'S REPORT:

Mr. Brickley provided a written report to Council.

APPROVAL OF MINUTES: On a motion of Mr. Brunton and second of Mrs. Fields, Council approved the regular meeting minutes for 4.13.2009 and 4.27.2009.

CORRESPONDENCE: None**COUNCIL REPORTS:**

Mrs. Fields gave her EMS, Planning Board and Code Enforcement reports.

Mr. Waldron delivered the Public Events and Shade Tree reports. Cool Cities will be planting trees by the end of May. Krista Lee has resigned her position as chair person. The Birthday Celebration will be on June 6th at the Community Center.

Mr. Brunton gave vital statistics and Office of Emergency Management reports. Public works recycling report was filed, mulch is being installed, new hours for public works employees are 6:00 am to 2:30 pm. Trash pick up on the East side of town will be changed to Wednesday's as of June 1st.

Mr. Perno reported on CDBG stimulus funds for the Senior Center and for curb cuts. The air vent in the attic doesn't have asbestos. The fountain in Morrissey Park was repaired.

Mr. Brennan delivered the court report. No fire report. This is the last newsletter copy that will be delivered; future copies will be available on line.

Mr. Alloway gave the police report. Click-it-or-ticket Grant. Detective Morrone received a merit award for operation Bulls Eye.

CLERK'S REPORT:

Public hearing for the budget will be on June 8, 2009.
 Painting should begin in the Borough offices in a week.
 The bid information for the police vehicle, driveway and speed humps are in the office for review.

OLD BUSINESS:

Ordinance Adoption: 09-08 COLA Cap Bank

On a motion of Mr. Brennan and second of Mr. Perno the following Ordinance was adopted with a vote of 5 -1 with Mr. Brunton voting no.

09-08

**ORDINANCE OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN
 STATE OF NEW JERSEY FOR THE CALENDAR YEAR 2009 TO EXCEED THE
 MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK
 (N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Governing Body of the Borough of Merchantville in the County of Camden finds it advisable and necessary to increase its CY 2009 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Governing Body hereby determines that a 1 % increase in the budget for said year, amounting to \$ 34,462.79 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Governing Body hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Governing Body of the Borough of Merchantville, in the County of Camden, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2009 budget year, the final appropriations of the Merchantville shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$ 122,828.92, and that the CY 2009 municipal budget for the Merchantville be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Ordinance Adoption-09-09 Bond Ordinance for Capital Improvements

On a motion of Mr. Brennan and second of Mrs. Fields the following Ordinance was adopted.

09-09

**BOROUGH OF MERCHANTVILLE, NEW JERSEY
BOND ORDINANCE AUTHORIZING THE ACQUISITION OF
VARIOUS PIECES OF EQUIPMENT AND COMPLETION OF
VARIOUS CAPITAL IMPROVEMENTS IN AND FOR THE
BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN,
NEW JERSEY; APPROPRIATING THE SUM OF \$679,300
THEREFORE; AUTHORIZING THE ISSUANCE OF GENERAL
OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF
THE BOROUGH OF MERCHANTVILLE, COUNTY OF
CAMDEN, NEW JERSEY, IN THE AGGREGATE PRINCIPAL
AMOUNT OF UP TO \$189,335; MAKING CERTAIN
DETERMINATIONS AND COVENANTS; AND AUTHORIZING
CERTAIN RELATED ACTIONS IN CONNECTION WITH THE
FOREGOING**

BE IT ORDAINED by the Borough Council of the Borough of Merchantville, County of Camden, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), pursuant to the provisions of the Local Bond Law, Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law"), as follows:

Section 1. The purposes described in Section 7 hereof are hereby authorized as general improvements to be made or acquired by the Borough of Merchantville, County of Camden, New Jersey ("Borough").

Section 2. It is hereby found, determined and declared as follows:

- (a) the estimated amount to be raised by the Borough from all sources for the purposes stated in Section 7 hereof is \$679,300;
- (b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is \$189,335; and
- (c) a down payment in the amount of \$9,965 for the purposes stated in Section 7 hereof is currently available in accordance with the requirements of Section 11 of the Local Bond Law, N.J.S.A. 40A:2-11.

Section 3. The sum of \$189,335, to be raised by the issuance of bonds or bond anticipation notes, together with the sum of \$9,965, which amount represents the required down payment, and the sum of \$480,000, which amount represents grants from the New Jersey Department of Transportation, are hereby appropriated for the purposes stated in this bond ordinance ("Bond Ordinance").

Section 4. The issuance of negotiable bonds of the Borough in an amount not to exceed \$189,335 to finance the costs of the purposes described in Section 7 hereof is hereby authorized. Said bonds shall be sold in accordance with the requirements of the Local Bond Law.

Section 5. In order to temporarily finance the purposes described in Section 7 hereof, the issuance of bond anticipation notes of the Borough in an amount not to exceed \$189,335 is hereby authorized. Pursuant to the Local Bond Law, the Chief Financial Officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver the same to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their date to delivery thereof. The Chief Financial Officer is hereby directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this Bond Ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 6. The amount of the proceeds of the obligations authorized by this Bond Ordinance which may be used for the payment of interest on such obligations, accounting, engineering, legal fees and other items as provided in Section 20 of the Local Bond Law, N.J.S.A. 40A:2-20, shall not exceed the sum of \$135,000.

Section 7. The improvements hereby authorized and the purposes for which said obligations are to be issued; the estimated costs of each said purpose; the amount of down payment for each said purpose; the amount of available grants for each said purpose; the maximum amount obligations to be issued for each said purpose and the period of usefulness of each said purpose within the limitations of the Local Bond Law are as follows:

	<u>Purpose/Improvement</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Grant / Aid</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
A.	Reconstruction of and Improvements to Morris Avenue and Prospect Avenue, together with the installation of Curb Cuts along Maple Avenue, all as more particularly described in the records on file in the office of the Borough Clerk, together with the acquisition of all materials and equipment and completion of all work necessary therefore or related thereto	\$494,300	\$8,215	\$330,000	\$156,085	10 years
B.	Reconstruction of and Improvements to the Borough's Bike Path, all as more particularly described in the records on file in the office of the Borough Clerk, together with the acquisition of all materials and equipment and completion of all work necessary therefore or related thereto	150,000	0	150,000	0	N/A
C.	Acquisition of Various Equipment for the Police Department including, but not limited to Vehicle Camera Equipment, together with the acquisition of all materials and equipment and completion of all work necessary therefore or related thereto	35,000	1,750	0	33,250	7 years
	TOTAL	\$679,300	\$9,965	\$480,000	\$189,335	

Section 8. The average period of useful life of the several purposes for the financing of which this bond ordinance authorizes the issuance of bonds or bond anticipation notes, taking into consideration the respective amounts of bonds or bond anticipation notes authorized for said several purpose, is not less than 9.47 years.

Section 9. Grants in addition to those identified in Section 7 above or other monies received from any governmental entity, if any, will be applied to the payment of, or repayment of obligations issued to finance the costs of the purposes described in Section 7 above.

Section 10. The supplemental debt statement provided for in Section 10 of the Local Bond Law, N.J.S.A. 40A:2-10, was duly filed in the office of the Clerk prior to the passage of this Bond Ordinance on first reading and a complete executed duplicate original thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of

Community Affairs of the State of New Jersey. The supplemental debt statement shows that the gross debt of the Borough, as defined in Section 43 of the Local Bond Law, N.J.S.A. 40A:2-43, is increased by this Bond Ordinance by \$189,335 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 11. The full faith and credit of the Borough are irrevocably pledged to the punctual payment of the principal of and interest on the bonds or bond anticipation notes authorized by this Bond Ordinance, and to the extent payment is not otherwise provided, the Borough shall levy ad valorem taxes on all taxable real property without limitation as to rate or amount for the payment thereof.

Section 12. The applicable Capital Budget is hereby amended to conform with the provisions of this Bond Ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, is on file with the Clerk and available for inspection.

Section 13. The Borough hereby declares its intent to reimburse itself from the proceeds of the bonds or bond anticipation notes authorized by this Bond Ordinance pursuant to Income Tax Regulation Section 1.150-2(e), promulgated under the Internal Revenue Code of 1986, as amended ("Code"), for "original expenditures", as defined in Income Tax Regulation Section 1.150-2(c)(2), made by the Borough prior to the issuance of such bonds or bond anticipation notes.

Section 14. The Borough hereby covenants as follows:

(a) it shall take all actions necessary to ensure that the interest paid on the bonds or bond anticipation notes authorized by the Bond Ordinance is exempt from the gross income of the owners thereof for federal income taxation purposes, and will not become a specific item of tax preference pursuant to Section 57(a)(5) of the Code;

(b) it will not make any use of the proceeds of the bonds or bond anticipation notes or do or suffer any other action that would cause the bonds or bond anticipation notes to be "arbitrage bonds" as such term is defined in Section 148(a) of the Code and the Regulations promulgated thereunder;

(c) it shall calculate or cause to be calculated and pay, when due, the rebatable arbitrage with respect to the "gross proceeds" (as such term is used in Section 148(f) of the Code) of the bonds or bond anticipation notes;

(d) it shall timely file with the Internal Revenue Service, such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and

(e) it shall take no action that would cause the bonds or bond anticipation notes to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

Section 15. The improvements authorized hereby are not current expenses and are improvements that the Borough may lawfully make. No part of the cost of the improvements authorized hereby has been or shall be specially assessed on any property specially benefited thereby.

Section 16. All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 17. In accordance with the Local Bond Law, this Bond Ordinance shall take effect twenty (20) days after the first publication after final passage.

ORDINANCE 09-10 AMENDING CHAPTER 71A STORMWATER: On a motion of Mr. Brunton and second of Mrs. Fields, Council adopted the following ordinance:

09-10

ORDINANCE OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY

**AMENDING CHAPTER 71A, STORMWATER MANAGEMENT,
IN THE CODE OF THE BOROUGH OF MERCHANTVILLE**

BE IT ORDAINED by the Mayor and Council of the Borough of Merchantville, County of Camden, and State of New Jersey, that Chapter 71A, Stormwater Management, in the Code of the Borough of Merchantville is hereby amended as follows:

**ARTICLE VII.
Yard Waste Collection Program**

ARTICLE I. ARTICLE VII. SECTION 71A-23. Yard Waste Collection

It shall be a violation of this Ordinance to sweep, rake, blow, or otherwise place yard waste that is not containerized at the curb or along the street except on days designated by the Borough for scheduled yard waste vacuum pickup. Materials may be placed between the curb and the sidewalk (commonly referred to as the "grass strip") seven (7) days in advance of the posted days for yard waste vacuum pickup. The Borough Department of Public Works will post notification on each street ten (10) days in advance of the posted yard waste pickup. Placement of such yard waste at the curb or along the street at any other time or in any other manner is a violation of this ordinance. If such placement of yard waste occurs, the party responsible for placement of the yard waste must remove the yard waste from the street within twenty-four (24) hours of formal notification or said party shall be deemed in violation of this ordinance.

**ARTICLE VIII.
General Provisions**

ARTICLE II. ARTICLE VIII. SECTION 71A-25. Violations and penalties.

Any person who violates any provision of this article shall, upon conviction in the Municipal Court of the Borough of Merchantville, or such other court having jurisdiction, be liable to a fine not exceeding \$2,000.00, or imprisonment for a term not exceeding 90 days, or community service for a term not exceeding 90 days, or all of the above. Each day that a violation occurs shall be deemed a separate and distinct violation, subject to the penalty provisions of this article.

**ARTICLE X.
Private Storm Drain Retrofitting**

ARTICLE III. ARTICLE X. SECTION 71A-43. Purpose

An ordinance requiring the retrofitting of existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction, or resurfacing or alterations of facilities on private property, to prevent the discharge of solids and floatables (such as plastic bottles, cans, food wrappers and other litter) to the municipal separate storm sewer system(s) operated by the Borough of Merchantville so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

ARTICLE IV. ARTICLE X. SECTION 71A-44. Definitions

For the purpose of this Article, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

A. Municipal separate storm sewer system (MS4) – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs,

gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Borough of Merchantville or other public body, and is designed and used for collecting and conveying stormwater.

B. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

C. Storm drain inlet – an opening in a storm drain used to collect stormwater runoff and includes, but is not limited to, a grate inlet, curb-opening inlet, slotted inlet, and combination inlet.

D. Waters of the State – means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

ARTICLE V. ARTICLE X. SECTION 71A-45. Prohibited Conduct

No person in control of private property (except a residential lot with one single family house) shall authorize the repaving, repairing (excluding the repair of individual potholes), resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen) reconstructing or altering any surface that is in direct contact with an existing storm drain inlet on that property unless the storm drain inlet either:

A. Already meets the design standard below to control passage of solid and floatable materials; or

B. Is retrofitted or replaced to meet the standard in Section 71A-46 below prior to the completion of the project.

ARTICLE VI. ARTICLE X. SECTION 71A-46. Design Standards

Storm drain inlets identified in Section 71A-45 above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, “solid and floatable materials” means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard, see Section 71A-46(C) below.

A. Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from the surface into a storm drain or surface water body under the grate:

1. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or

2. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

Examples of grates subject to this standard include grates, in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basis floors.

B. Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.

C. This standard does not apply:

1. Where the municipal engineer agrees that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards.

2. Where flows are conveyed through any device (e.g. end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum,

to prevent delivery of all solid and floatable materials that could not pass through one of the following:

- i. A rectangular space four and five-eighths inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or
- ii. A bar screen having a bar spacing of 0.5 inches.
3. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1") spacing between the bars; or
4. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

ARTICLE XI. Refuse Containers/Dumpsters

ARTICLE VII. ARTICLE XI. SECTION 71A-47. Purpose

An ordinance requiring dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times, and prohibits the spilling, dumping, leaking, or otherwise discharge of liquids, semi-liquids or solids from the containers to the municipal separate storm sewer system(s) operated by the Borough of Merchantville and/or the waters of the State so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

ARTICLE VIII. ARTICLE XI. SECTION 71A-48. Definitions

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

A. Municipal separate storm sewer system (MS4) – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Borough of Merchantville or other public body, and is designed and used for collecting and conveying stormwater.

B. Person – any individual, corporation, company, partnership, firm association, or political subdivision of this State subject to municipal jurisdiction.

C. Refuse container – any waste container that a person controls whether owned, leased, or operated, including dumpsters, trash cans, garbage pails, and plastic trash bags.

D. Stormwater – means water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

E. Waters of the State – means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

ARTICLE IX. ARTICLE XI. SECTION 71A-49. Prohibited Conduct

Any person who controls whether owned, leased, or operated, a refuse container or dumpster must ensure that such container or dumpster is covered at all times and shall prevent refuse from spilling out or overflowing. Any person who owns, leases or otherwise uses a refuse container or dumpster must ensure that such container or dumpster does not leak or otherwise discharge liquids, semi-liquids or solids to the municipal separate storm sewer system(s) operated by the Borough of Merchantville.

ARTICLE X. ARTICLE XI. SECTION 71A-50. Prohibition; Exceptions:

- A. Permitted temporary demolition containers;
- B. Litter receptacles (other than dumpsters or other bulk containers);
- C. Individual homeowner trash and recycling containers;
- D. Refuse containers at facilities authorized to discharge stormwater under a valid NJPDES permit; or
- E. Large bulky items (e.g. furniture, bound carpet and padding, white goods placed outside for pickup).

ARTICLE XI.

All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

ARTICLE XII.

This Ordinance shall take effect upon passage and publication according to law.

NEW BUSINESS:

RESOLUTIONS to be approved by consent agenda: On the motion of Mr. Perno and second of Mr. Brunton, Council approved the following resolutions by Consent Agenda:

09-69

**RESOLUTION OF THE BOROUGH OF MERCHANTVILLE,
COUNTY OF CAMDEN AND STATE OF NEW JERSEY
REQUESTING CDBG STIMULUS FUNDS**

WHEREAS, the Borough of Merchantville, County of Camden is a member of the Camden County Community Development Program; and

WHEREAS, the Governing Body has chosen to submit a Proposal for the 2009 CDBG Stimulus Supplemental Funds; and

WHEREAS, the governing body has agreed to apply for funding for the following project;

**REQUESTING CDBG STIMULUS FUNDS FOR SENIOR
CENTER REHABILITATION/ UPGRADES AND ADA CURB
CUT REPLACEMENT**

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Merchantville, County of Camden, that the Mayor is hereby authorized to sign the Proposal Request for the 2009 CDBG Stimulus Supplemental Funds.

09-70

**RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND
STATE OF NEW JERSEY AUTHORIZING TO UTILIZE THREE-YEAR AVERAGE TAX
COLLECTION RATE**

WHEREAS, N.J.S.A. 40A-4-41 provides authority to the Director of the Division of Local Government Services to permit the use of a three-year average of tax collection rates for the determination of the amount required for the reserve for uncollected taxes; and

WHEREAS, a three-year average provides a more stable outlook of the true collection rate; now, therefore

BE IT RESOLVED by the Council of the Borough of Merchantville, that the Borough of Merchantville will utilize the three-year average collection rate for the computation of the reserve for uncollected taxes; and

BE IT FURTHER RESOLVED that, pursuant to N.J.S.A. 52:27bbb-23, a true copy of this resolution shall be forwarded to the Chief Operating Officer, who shall have ten days from the receipt thereof to approve or veto this resolution. Notice of approval or veto shall be filed in the Office of the Municipal Clerk.

09-71

RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY FOR THE SELF-EXAMINATION OF BUDGET

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Borough of Merchantville has been declared eligible to participate in the program by the Division of Local government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2009 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the Borough of Merchantville that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated,
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

R09-72

RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY AUTHORIZING AN INTERLOCAL SERVICES AGREEMENT BY AND BETWEEN THE BOROUGH OF MERCHANTVILLE AND MERCHANTVILLE BOARD OF EDUCATION

**RELATIVE TO THE SERVICES OF THE MERCHANTVILLE PUBLIC WORKS
DEPARTMENT**

WHEREAS, the Borough of Merchantville (hereinafter "Merchantville") is a municipal entity organized under the laws of the State of New Jersey and located in Camden County; and

WHEREAS, the Merchantville Board of Education (hereinafter "Board of Education") is a municipal school board organized under the laws of the State of New Jersey and located in Camden County; and

WHEREAS, said the Mayor and Borough Council of the Borough of Merchantville, duly elected pursuant to statute, after a careful survey, have concluded that the residents of Merchantville will best be served when certain professional services on the grounds of and the athletic fields of the Board of Education are performed by the Public Works Department of the Borough of Merchantville; and

WHEREAS, by negotiations previously had between Board of Education and Merchantville, the terms and provisions hereafter set forth were determined and agreed thereto;

WHEREAS, Merchantville and Board of Education intend by virtue of this document to set forth the terms and conditions of this Agreement;

WHEREAS, the proper and respective public officials were authorized to execute this Interlocal Services Agreement pursuant to Resolutions of their respective public entities, attached hereto and made a part of this Agreement;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Merchantville, County of Camden, State of New Jersey, that Frank M. North, Mayor of the Borough of Merchantville and Denise L. Brouse, Borough Clerk of the Borough of Merchantville be and hereby are authorized to execute the Interlocal Services Agreement, attached hereto as Exhibit "A," providing for certain services to be provided by the Merchantville Public Works Department to the Merchantville Board of Education.

09-73

**RESOLUTION TO AUTHORIZE THE SUBMISSION OF THE
APPLICATION TO THE TRANSPORTATION ENHANCEMENT PROGRAM
FOR THE CHESTNUT AVENUE PEDESTRIAN/BIKEWAY AMENITIES**

WHEREAS, the Application for Transportation Enhancement Program funding is funded through the federal government and administered by the New Jersey Department of Transportation (NJDOT), which provides funds for municipalities for design, right of way acquisition and construction of projects that are transportation related; and

WHEREAS, the Borough of Merchantville desires to seek funds from the Transportation Enhancement Program for Improvements to the Chestnut Avenue Pedestrian/Bikeway; and

WHEREAS, the Borough of Merchantville will be responsible for the maintenance of the Chestnut Avenue Pedestrian/Bikeway;

NOW, THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Merchantville, County of Camden, State of New Jersey, that the application is hereby supported for the Transportation Enhancement Program under the Federal Highway Association to the Chestnut Avenue Pedestrian/Bikeway.

BE IT FURTHER RESOLVED THAT:

1. any funding received as a result of this application will only be used for eligible costs for a project comprised of the improvements as stated in the application; and
2. that if the application is approved and accepted by the Transportation Enhancement Program, the sponsor agrees to the agreement as stated in the

application and provide the required long-term maintenance of the proposed improvements; and

3. the Mayor and Clerk are hereby authorized to execute and attest this resolution, application and agreement.

09-74

RESOLUTION TO AUTHORIZE THE SUBMISSION OF THE APPLICATION FOR RECREATION FACILITY ENHANCEMENT FUNDING FOR THE CHESTNUT AVENUE PEDESTRIAN/BIKEWAY AMENITIES

WHEREAS, the Application for Recreation Facility Enhancement Funding is funded through the Camden County Open Space, Farmland, Recreation and Historic Preservation Trust Fund, which provides funds for towns within the County for Open Space Acquisition, Farmland Preservation, Enhancement of Existing Recreation Fields and Historic Preservation; and

WHEREAS, the Borough of Merchantville desires to seek funds from the Camden County Open Space, Farmland, recreation and Historic Preservation Trust Fund for Improvements to the Chestnut Avenue Pedestrian/Bikeway; and

WHEREAS, the Borough of Merchantville will be responsible for the maintenance of the Chestnut Avenue Pedestrian/Bikeway; and

NOW, THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Merchantville, County of Camden, State of New Jersey, that the application is hereby supported for the Recreation Facility Enhancement Funding under the Camden County Division of Open Space and Farmland Preservation for the Improvements to the Chestnut Avenue Pedestrian/Bikeway.

BE IT FURTHER RESOLVED THAT:

1. any funding received as a result of this application will only be used for eligible costs for a project comprised of the improvements as stated in the application; and
2. that if the application is approved and accepted by the Camden County Open Space, Farmland, recreation and Historic Preservation Trust Fund, the sponsor agrees to the agreement as stated in the application and provide the required long-term maintenance of the proposed improvements; and
3. the Mayor and Clerk are hereby authorized to execute and attest this resolution, application and agreement.

PROCLAMATION-NATIONAL SAFE BOATING WEEK- A proclamation was read designating May 16-22, 2009 as safe boating week.

ORDINANCES FOR INTRODUCTION ON FIRST READING

On a motion of Mr. Alloway and second of Mrs. Fields, the following Ordinance was introduced for First Reading:

09-12

**ORDINANCE OF THE BOROUGH OF MERCHANTVILLE,
COUNTY OF CAMDEN, STATE OF NEW JERSEY AMENDING**

**CHAPTER 54, PEACE AND GOOD ORDER, OF THE CODE
OF THE BOROUGH OF MERCHANTVILLE**

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Merchantville, County of Camden, and State of New Jersey that Chapter 54, Peace and Good Order, of the Code of the Borough of Merchantville, is hereby amended as follows:

ARTICLE I. SECTION 54-12 Sex offender residency prohibition; 2,500 feet.

- (a) Deleted in its entirety.
- (b) Deleted in its entirety.
- (c) Deleted in its entirety.
- (d) Deleted in its entirety.

ARTICLE II.

All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

ARTICLE III.

This Ordinance shall take effect upon passage and publication according to law.

PAYMENT OF BILLS:

On the motion of Mrs. Fields and second of Mr. Alloway, Council approved the following bills for payment:

**R09-75
RESOLUTION**

RESOLVED that the Report of the Department of Accounts and Auditing be accepted and spread upon the minutes and the Treasurer be is hereby authorized to pay bills approved therein.

Borough of Merchantville Bill List Summary May 11, 2009	
Current Fund	
Checks Current Fund	2008 Budget \$718.00
	2009 Budget \$624,978.12
	State / Federal Grants \$7,477.05
	Debt Service
	Board of Education 1,098,033.50
Revenue Current Fund	Checks Delivered \$67,216.68
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Total Current	
<hr/> \$1,798,423.35 <hr/>	
Sewer Utility Fund	
	2009 Budget \$915.00
	Debt Service
	Checks Delivered \$17,000.00
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Total Sewer	
<hr/> \$17,915.00 <hr/>	

Recreation Commission

2009 Budget

		\$1,927.95
	Checks Delivered	
	Total Recreation	\$1,927.95
General Capital Fund		
	2009 Budget	\$3,346.27
	Checks Delivered	
	Total Capital	\$3,346.27
Trust-Other Fund		
	2009 Budget	\$2,521.50
	Checks Delivered	
	Total Trust	\$2,521.50
Animal Trust Unemployment	2009 Budget	\$126.40
	2009 Budget	
	Checks Delivered	
	Total	\$126.40
	Total Bill list	\$1,824,260.47

ANNOUNCEMENTS**ADJOURNMENT:**

On the motion of Mr. Alloway and second of Mr. Perno the meeting was adjourned at 8:45 PM.

DENISE BROUSE
BOROUGH CLERK